

**UTAH SOLID AND HAZARDOUS WASTE CONTROL BOARD
SOLID WASTE PERMIT**

**Weber Construction and Demolition Debris Disposal Site
Permit #0303**

CLASS VI LANDFILL

Pursuant to the provisions of the *Utah Solid and Hazardous Waste Act*, Title 19, Chapter 6, Utah Code Annotated (UCA) 1953, as amended (the Act) and the *Utah Solid Waste Permitting and Management Rules*, Utah Administrative Code (UAC) R315-301 through 320 adopted thereunder,

Warren Construction Services, Inc. as Owner and Operator

is hereby authorized to construct and operate the Weber Construction and Demolition Debris Disposal Site located in SW 1/4 of Section 1, Township 5 North, Range 2 West, Salt Lake Base and Meridian, Weber County, Utah as shown in the permit application that was determined complete on October 31, 2003.

The operation of the landfill is subject to the condition that Warren Construction Services, Inc., as Permittee, is responsible to comply with all the requirements set forth herein. In accordance with the Utah Solid and Hazardous Waste Act (19-6-103-8(3)(a) UCA), Brent Warren is also a Permittee for those areas of operation for which it has responsibility under its contract, dated October 31, 2003.

All references to UAC R315-301 through 320 are to regulations that are in effect on the date that this permit becomes effective. A copy of the rules that are in affect at the time of issuance should be attached to the permit.

Effective date: March 15, 2004.

Expiration date: March 14, 2009.

Signed this _____ day of _____, 2004.

Dennis R. Downs, Executive Secretary
Utah Solid and Hazardous Waste Control Board

PERMIT REQUIREMENTS

LANDFILL NAME: Weber C&D

NAME: Warren Construction Services, Inc.

ADDRESS: 2150 West 3300 South
Ogden, Utah 84401

PHONE NO. (801) 731-0378

TYPE Class VI Commercial Solid Waste Landfill

APPROVAL # 0303

LOCATION Landfill site is located in Township 5 North, Range 2 West,
Section 1, Salt Lake Base Meridian, Weber County, Latitude 41°
11' 58" North, Longitude 112°01' 25" West.

Permit as used in this document is defined in UAC R315-301-2(55).

The application, including Permit Application submitted August 12, 2003, Reference Document #03.02772, as deemed complete on October 31, 2003 along with the additional documents of groundwater elevation (Document #2004.00643) and property sales agreements (Document #2004.00964), are hereby approved and incorporated by reference into this Solid Waste Permit. All representations made in the permit application are part of this permit and are enforceable under UAC 315-301-5(2). The permit application will become part of the operating record of the Landfill. Where differences in wording exist between this permit and the application, the wording of the permit supersedes that of the application.

By this permit to operate, the Permittee shall be subject to the following conditions.

I. GENERAL COMPLIANCE RESPONSIBILITIES

A. General Operation

The Permittee shall operate the Class VI landfill in accordance with the conditions of this Permit and with all requirements of UAC R315-305, that are currently effective, unless otherwise noted in this permit. Any permit noncompliance constitutes a violation of UAC R315-305 and is grounds for appropriate enforcement action, permit revocation, modification, or denial of a permit renewal application.

B. Noncompliance

If monitoring, inspection, or testing indicates that any permit condition or any applicable rule under UAC R315-301 through 320 may be or is being violated, the Permittee shall promptly make corrections to the operation or other activities to bring the facility into compliance with all permit conditions or rules. In the event of any noncompliance with any permit condition or violation of an applicable rule, the Permittee shall promptly take any feasible action reasonably necessary to correct the noncompliance or violation and mitigate any risk to the human health or the environment. Actions may include eliminating the activity causing the noncompliance or violation and containment of any waste or contamination using barriers or access restrictions, placing of warning signs, or permanently closing areas of the facility. The Permittee shall: document the noncompliance or violation in the operating record, on the day the event occurred or the day it was discovered; notify the Executive Secretary of the Solid and Hazardous Waste Control Board within 24 hours, or the next business day following documentation of the event; and give written notice of the noncompliance or violation and measures taken to protect public health and the environment within seven days of Executive Secretary notification. Within thirty days of the documentation of the event, the Permittee shall submit, to the Executive Secretary, a written report describing the nature and extent of the noncompliance or violation and the remedial measures taken or to be taken to protect human health and the environment and to eliminate the noncompliance or violation. Upon receipt and review of the assessment report, the Executive Secretary may order the Permittee to perform appropriate remedial measures including development of a site remediation plan for approval by the Executive Secretary.

It shall not constitute a defense for the Permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

Compliance with the terms of this permit does not constitute a defense to actions brought under any other local, State, or Federal laws. This permit does not exempt the Permittee from obtaining any other local, State or Federal permits or approvals.

The issuance of this Permit does not convey any property rights, other than the rights inherent in this permit, in either real or personal property, or any exclusive privileges nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of Federal, State or local laws or regulations including zoning ordinances.

The provisions of this Permit are severable. If any provision of this Permit shall be held invalid for any reason, the remaining provisions shall remain in full force and effect. If the application of any provision of this Permit to any circumstance is held invalid, its application to other circumstances shall not be affected.

C. Inspection and Inspection Access

The Permittee shall allow the Executive Secretary of the Utah Solid and Hazardous Waste Control Board or an authorized representative of the Board, including representatives from the Weber-Morgan District Health Department, to enter at reasonable times and:

1. Inspect the landfill or other premises, practices or operations regulated or required under the terms and conditions of this Permit or UAC R315-301 through 320;
2. Have access to and copy any records required to be kept under the terms and conditions of the Permit or UAC R315-301 through 320;
3. Inspect any loads of waste, treatment, pollution management, or control facilities required under the Permit or regulated under UAC R315-301 through 320; and
4. Create a record of any inspection by photographic, videotape, electronic, or any other reasonable means.

D. Prohibited Waste

No hazardous waste as defined by UAC R315-1 and R315-2; no PCB's as defined by UAC R315-301-2(53), except construction/demolition waste containing PCB's as specified by UAC R315-315-7(2)(a) and (c); no non-inert household waste, except waste resulting from the abatement, rehabilitation, renovation and remodeling of homes and other residences; no municipal waste; no special waste, except as specified in this permit; no dead animals; no non-inert commercial waste; and no non-inert industrial waste shall be accepted for treatment, storage, or disposal at the landfill.

E. Acceptable Waste

This permit is for disposal of nonhazardous construction/demolition waste, as defined in UAC R315-301-2(17); yard waste, as defined in UAC R315-301-2(85); inert waste, as defined in UAC R315-301-2(37); waste tires, when the requirements of UAC R315-320 are met, and petroleum contaminated soils as allowed in UAC R315-315-8(3).

F. Revocation

This permit is subject to revocation if any condition of this permit is not being met. The Permittee will be notified in writing prior to any proposed revocation action and such action will be subject to all applicable hearing procedures established under UAC R315-12 and the *Utah Administrative Procedures Act*.

Revocation of this permit does not revoke the financial assurance established for closure and post-closure care of the facility, nor remove any responsibility for completion of closure and post-closure care for the facility required in UAC R315-302-3.

G. Attachments Incorporation

Attachments incorporated by reference are enforceable conditions of this permit, as are documents incorporated by reference into the attachments. Language in this permit supercedes any conflicting language in the attachments or documents incorporated into the attachments.

II. DESIGN AND CONSTRUCTION

A. Construction

The landfill shall be constructed in the area designated and according to the design outlined in the permit application including landfill cells, fences, gates, and berms prior to acceptance of waste.

The Permittee shall notify the Executive Secretary upon completion of construction of any landfill cells or run-on and run-off diversion systems. No landfill cells or run-on and run-off diversion system may be used until construction is approved by the Executive Secretary.

The Permittee shall notify the Executive Secretary of the completion of construction of any final cover system and shall provide all necessary documentation and shall apply for approval of the construction from the Executive Secretary.

B. Run-On Control

Perimeter drainage channels shall be constructed as specified in the permit application prior to acceptance of waste. These channels shall be maintained at all times to effectively prevent run-off from the surrounding property from entering the landfill.

III. LANDFILL OPERATION

A. Operations Plan

The Operations Plan included in the permit application and the solid waste permit issued by the Executive Secretary shall be kept onsite at the landfill. The landfill shall be operated in accordance with the operations plan as included in the permit application. If necessary, the facility owner may modify the Operations Plan, provided that the modification meets all of the requirements of UAC R315-301 through 320 and is as protective of human health and the environment as that approved in the permit application. Any modification to the Operations Plan shall be noted in the operating record.

The Operations Plan is to include hours of operation, incoming waste inspections, landfill inspection and monitoring schedule, description of equipment maintenance, procedures for controlling disease vectors, training and safety plans

for site operators, and contingency plans in the event of fire or explosion. The Operations Plan also is to include examples of forms used to record the following: record of quantities of waste received, results of waste inspections, and training programs completed.

B. Security

The Permittee shall operate the Landfill so that unauthorized entry to the facility is prevented. All facility gates and other access routes shall be locked during the time the landfill is not open. At least two persons, employed by the Warren Construction Services, Inc., shall be at the landfill during all hours that the landfill is open. Fencing and any other access controls as shown in the permit application shall be constructed to prevent access of persons or livestock by other routes.

C. Waste Inspections

The Permittee shall visually inspect incoming waste loads to verify that no wastes other than those allowed by this permit are disposed in the landfill. A complete waste inspection shall be conducted at a minimum frequency of 1 % of loads received, but no less than one complete inspection per day .

All containers capable of holding more than five gallons of liquid will be inspected to determine if the waste is acceptable for disposal.

All loads that the operator suspects may contain a waste not allowed for disposal at the landfill will be inspected.

Complete inspections shall be conducted as follows:

1. The operator shall conduct the random waste inspection at the working face or an area designated by the operator
2. Loads subjected to complete inspection shall be unloaded at the designated area;
3. Loads shall be spread by equipment or by hand tools;
4. A visual inspection of the waste shall be conducted by personnel trained in hazardous waste recognition and recognition of other unacceptable waste; and

5. The inspection shall be recorded on the waste inspection form found in Appendix A or the permit application. The form shall be placed in the operating record at the end of operating day.

D. Cover

The Permittee shall cover the waste periodically to prevent fires, and to control vectors, blowing litter, odor, scavenging, and fugitive dust. Cover shall be provided no less than monthly. At the end of the operating day when cover is applied, the amount of cover placed and the area receiving cover shall be recorded in the operating record and certified by the operator.

E. Disposal of Liquids

Disposal of containers of liquids larger than household size (five gallons), noncontainerized material containing free liquids, or any waste containing free liquids in containers larger than five gallons is prohibited.

F. Roads

All onsite roads used for transporting waste shall be improved and maintained as necessary to assure safe and reliable all-weather access to the disposal area.

G. Burning of Waste

Intentional burning of solid waste is prohibited and is a violation of UAC R315-303-5(2)(b). All accidental fires shall be extinguished as soon as possible.

H. Record Keeping

The Permittee shall maintain and keep on file at the facility, an operating record as required by UAC R315-302-2(3). The landfill operator, or other designated personnel, shall date and sign the operating record at the end of each operating day. Each record to be kept shall contain the signature of the appropriate operator or personnel and the date signed. The operating record shall include the following items:

1. The daily operating record shall include the following items:
 - a. The number of loads of waste and the weights or estimates of weights or volume of waste received each day of operation and recorded at the end of each operating day;

- b. Major deviations from the approved plan of operation recorded at the end of the operating day the deviation occurred;
 - c. Results of other monitoring required by this permit recorded in the operating record on the day of the event or the day the information is received;
 - d. Records of all inspections conducted by the Permittee, results of the inspections, and corrective actions taken shall be recorded in the record on the day of the event;
- 2. The general record of landfill operations shall include the following items:
 - a. A copy of the permit including the permit application;
 - b. Results of inspections conducted by representatives of the Utah Solid and Hazardous Waste Control Board and/or representatives of the Weber-Morgan District Health Department, when forwarded to the Permittee;
 - c. Closure and Post-closure care plans; and
 - d. Records of employee training;

I. Reporting

The Permittee shall prepare and submit, to the Executive Secretary, an Annual Report as required in UAC R315-302-2(4). The Annual Report shall include: the period covered by the report, the annual quantity of waste received, an annual update of the financial assurance mechanism, and all training programs completed.

J. Self Inspections

The Permittee shall inspect the facility to prevent malfunctions and deterioration, operator errors, and discharges, which may cause or lead to the release of wastes or contaminated materials to the environment or create a threat to human health. These general inspections shall be completed no less than quarterly and shall cover the following areas: Waste placement, and cover; fences and access controls; roads; run-on/run-off controls; litter controls; and records. A record of

the inspections shall be placed in the daily operating record on the day of the inspection. Areas needing correction, as noted on the inspection report, shall be corrected and the actions taken placed in the daily operating record.

IV. CLOSURE REQUIREMENTS

A. Closure

The Permittee shall close and maintain the facility in accordance with the closure and post-closure plans included in the permit application and as required by R315-305-5(5) UAC.

B. Title Recording

The Permittee shall also meet the requirements of UAC R315-302-2(6) by recording with the Weber County Recorder as part of the record of title that the property has been used as a landfill.

C. Post-Closure Care

Post-closure care at the closed landfill shall be done in accordance with the Post-Closure Care Plan contained in the permit application. Post-closure care shall continue until all waste disposal sites at the landfill have stabilized and the finding of UAC R315-302-3(7)(c) is made.

D. Financial Assurance

The approved mechanism, as described in the permit application, shall be established by the Permittee prior to receipt of waste. An annual revision of closure costs and financial assurance funding shall be submitted to the Executive Secretary as part of the annual report. The financial assurance fund shall be adequately funded to provide for the cost of closure at any stage or phase or anytime during the life of the landfill. The first payment to the fund will be 20% of the estimated closure and post-closure care costs. Annual payments shall be determined by the following formula:

$$NP=[CE-CV]/Y$$

where NP is the next payment, CE is the current cost estimate for closure and post-closure care (updated for inflation or other changes), CV is the current value of the trust fund, and Y is the number of years remaining in the pay-in period

The Permittee shall notify the Executive Secretary of the establishment of the approved financial assurance mechanism and must receive acknowledgment from the Executive Secretary that the established mechanism complies with the approved method.

E. Financial Assurance Annual Update

An annual revision of closure costs and financial assurance funding shall be submitted to the Executive Secretary as part of the annual report. The Permittee shall submit the information as required in UAC R315-309-3(7) and (8) in the annual report required in section III-I of this permit.

V. ADMINISTRATIVE REQUIREMENTS

A. Transfers

This permit may be transferred to a new Permittee by meeting the requirements of the Permit Transfer provision in UAC R315-310-10.

B. Permit Modifications

Modifications to this permit may be made upon application by the Permittee or by the Executive Secretary. The Permittee will be given written notice of any permit modification initiated by the Executive Secretary.

C. Expiration

Application for permit renewal shall be made at least six months prior to the expiration date, as shown on the signature (cover) page of this permit. If a timely renewal application is made and the permit renewal is not complete by the expiration date, this permit will continue in force until renewal is completed or denied.

D. Expansion

This permit is for the operation of a Class VI Landfill according to the design and Operation Plan described and explained in the permit application. Any expansion of the current footprint designated in the description contained in the permit application, but within the property boundaries designated in the permit application, will require submittal of plans and specifications to the Executive Secretary. The plans and specifications must be approved by the Executive Secretary prior to construction.

Any expansion of the landfill facility beyond the property boundaries designated in the description contained in the permit application will require submittal of a new permit application in accordance with the requirements of UAC R315-310. Expansion of the landfill site outside the boundaries shown on the initial permit application will require a new permit application and satisfying the requirements of UAC R315-310-3(2).

Any addition to the list of wastes acceptable of Section I(E) of this permit will require submittal of all necessary information to the Executive Secretary and the approval of the Executive Secretary. Acceptance of any waste type not allowed by UAC R315-305-1 will require the Permittee to submit a new permit application and meet the requirements of UAC R315-310-3(2).

E. Status Notification

Eighteen months from the date of this permit the Executive Secretary shall be notified in writing of the status of the construction of this facility unless construction is complete and operation has commenced. If construction has not begun within 18 months the Permittee will submit adequate justification to the Executive Secretary as to the reasons that construction has not commenced. If no submission is made or the submission is judged inadequate by the Executive Secretary, this permit will be revoked

F. Construction Approval and Request to Operate

The Permittee shall notify the Executive Secretary, prior to acceptance of waste, that all the requirements of this permit have been met and all required facilities, structures and accounts are in place as required. The facility may not accept waste until approval of the Executive Secretary is received.

The Permittee shall submit to the Executive Secretary for approval documentation that all local zoning requirements and local government approval have been obtained for operation of this landfill. The Executive Secretary shall respond by letter that all conditions of this permit have been met prior to the any waste disposal at this facility.

The Permittee shall submit to the Executive Secretary, prior to the construction of any portion of the landfill, including offices, fences, and gates, documentation that the Permittee owns the property or has a lease that allows this property to be used as a landfill.

The Permittee shall not construct any portion of the landfill where the bottom elevation is below 4359 feet above mean sea level. If any part of the landfill is constructed below this elevation, the Permittee must demonstrate that the lowest layer of non-inert waste is greater than 10 feet from the historic high ground water elevation. The Permittee must submit documentation of this demonstration for approval by the Executive Secretary.